FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3872 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mrs.Jayashree Agarwal i/by Manohar Lal Bansal for the applicant.

Mr.Jitesh J.Shah respondent no.2 in person.

Coram : R.S.Mohite,J

Date : 23.01.2006.

PC

1. This application is filed for setting aside an order dated 25.8.2003 passed in Criminal application no.1629/2003 and for restoration of the said application to the file and to be decided on merits. On perusal of the impugned judgment and order, it is found that the same has been passed on merits. It is true that the applicant was absent and none was present for him. That by itself would only render the

impugned order as ex-parte. However, the order remains as being an order passed on merits. It is well settled that there cannot be review in the criminal law. In the circumstances, the remedy of the applicant would lie elsewhere. In the circumstances, application styled as an application to quash another order on merits passed by my brother Judge, cannot lie. Hence, application is rejected.

(R.S.Mohite,J)